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02/13/02

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed at 201) below or an original, first and joint inventor (if plural names are listed at 201-208 below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**APPARATUS, METHOD AND SYSTEM FOR WRITING DATA TO NETWORK  
 ACCESSIBLE FILE SYSTEM WHILE MINIMIZING RISK OF CACHE DATA  
 LOSS/DATE CORRUPTION**

which is described and claimed in:

the specification attached hereto.

[X] the specification in U.S. Application Serial Number 09/965,393 filed on September 27, 2001.

the specification in PCT international application Number \_\_\_\_\_, filed on \_\_\_\_\_; and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign/PCT Applications and Any Priority Claims Under 35 U.S.C. §119:**

| Application No. | Filing Date | Country | Priority Claimed Under 35 U.S.C. §119?                   |
|-----------------|-------------|---------|--|
|                 |             |         | <input type="checkbox"/> YES <input type="checkbox"/> NO |
|                 |             |         | <input type="checkbox"/> YES <input type="checkbox"/> NO |
|                 |             |         | <input type="checkbox"/> YES <input type="checkbox"/> NO |
|                 |             |         | <input type="checkbox"/> YES <input type="checkbox"/> NO |
|                 |             |         | <input type="checkbox"/> YES <input type="checkbox"/> NO |

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge

the duty to disclose material information as defined in 37 CFR §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| <b>Prior U.S. Applications or PCT International Applications Designating the U.S-Benefit Under 35 U.S.C. §120</b> |                         |                                 |                |                  |
|---|-------------------------|---------------------------------|----------------|------------------|
| <b>U.S. Applications</b>  |                         | <b>Status (Check One)</b>       |                |                  |
| <b>Application Serial No.</b>   | <b>U.S. Filing Date</b> | <b>Patented</b>                 | <b>Pending</b> | <b>Abandoned</b> |
|   |                         |                                 |                |                  |
|   |                         |                                 |                |                  |
|   |                         |                                 |                |                  |
|   |                         |                                 |                |                  |
| <b>PCT Applications Designating the U.S.</b>  |                         |                                 |                |                  |
| <b>Application No.</b>  | <b>Filing Date</b>      | <b>U.S. Serial No. Assigned</b> |                |                  |
|   |                         |                                 |                |                  |
|   |                         |                                 |                |                  |
|   |                         |                                 |                |                  |

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(35 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

| <b>Applicant</b> | <b>Provisional Application Number</b> | <b>Filing Date</b> |
|------------------|---------------------------------------|--------------------|
|                  |                                       |                    |
|                  |                                       |                    |
|                  |                                       |                    |

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) with full powers of association, substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Sewall P. Bronstein (Reg. No. 16,919)  
David G. Conlin (Reg. No. 27,026)  
George W. Neuner (Reg. No. 26,964)  
Linda M. Buckley (Reg. No. 31,003)  
Peter J. Manus (Reg. No. 26,766)  
John M. Gunther (Reg. No. 26,175)  
Penelope S. Wilson (Reg. No. 29,751)  
Robert L. Dulaney (Reg. No. 28,071)

Peter F. Corless (Reg. No. 33,860)  
Cara Z. Lowen (Reg. No. 38,227)  
William J. Daley, Jr. (Reg. No. 34,587)  
Robert L. Buchanan (Reg. No. 40,927)  
David Tucker (Reg. No. 27,840)  
Leanne J. Fitzgerald (Reg. No. 40,606)  
Krishnendu Gupta (Reg. No. 37,977)  
Christopher K. Gagne (Reg. No. 36,142)

Christine C. O'Day (Reg. No. 38,256)  
Lisa Swiszcz Hazzard (Reg. No. 44,368)  
George Hartnell (Reg. No. 44,368)  
Steven M. Jensen (Reg. No. 42,693)  
William R. Clark (Reg. No. 29,523)  
Robert Kevin Perkins (Reg. No. 36,634)

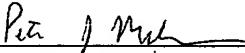
| <b>SEND CORRESPONDENCE TO:</b>  |  | <b>DIRECT TELEPHONE CALLS TO:</b>       |  |
|---|--|---|--|
| William J. Daley, Jr.<br>Dike, Bronstein, Roberts & Cushman<br>Intellectual Property Practice Group<br>EDWARDS & ANGELL, LLP<br>101 Federal Street<br>Boston, Massachusetts 02109 |  | William J. Daley, Jr.<br>(617) 439-4444 |  |

|                      |  |               |  |  |
|----------------------|--|---------------|--|--|
| <b>2<br/>0<br/>1</b> | FULL NAME OF INVENTOR                  | LAST NAME     | FIRST NAME   | MIDDLE NAME  |
|                      | RESIDENCE & CITIZENSHIP                | MCCANN        | Peter  | John   |
|                      | POST OFFICE ADDRESS                    | CITY<br>Mason | STATE OR FOREIGN COUNTRY<br>New Hampshire            | COUNTRY OF CITIZENSHIP<br>United States of America |
|                      | POST OFFICE ADDRESS<br>590 Valley Road | CITY<br>Mason | STATE OR COUNTRY AND ZIP CODE<br>New Hampshire 03048 |  |

|                      |  |                 |   |                                  |
|----------------------|--|-----------------|---|----------------------------------|
| <b>2<br/>0<br/>2</b> | FULL NAME OF INVENTOR                                  | LAST NAME       | FIRST NAME  | MIDDLE NAME                      |
|                      | RESIDENCE & CITIZENSHIP                                | MARTIN          | Brian   | James                            |
|                      | POST OFFICE ADDRESS                                    | CITY<br>Redmond | STATE OR FOREIGN COUNTRY<br>Washington            | COUNTRY OF CITIZENSHIP<br>Canada |
|                      | POST OFFICE ADDRESS<br>21701 NE 73 <sup>rd</sup> Place | CITY<br>Redmond | STATE OR COUNTRY AND ZIP CODE<br>Washington 98053 |                                  |

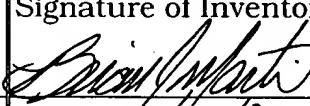
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|----------------------|---|-------------------|--|--|
| <b>2<br/>0<br/>3</b> | FULL NAME OF INVENTOR                     | LAST NAME         | FIRST NAME   | MIDDLE NAME  |
|                      | RESIDENCE & CITIZENSHIP                   | CLARK             | Roy  |  |
|                      | POST OFFICE ADDRESS                       | CITY<br>Hopkinton | STATE OR FOREIGN COUNTRY<br>Massachusetts            | COUNTRY OF CITIZENSHIP<br>United States of America |
|                      | POST OFFICE ADDRESS<br>46 Wedgewood Drive | CITY<br>Hopkinton | STATE OR COUNTRY AND ZIP CODE<br>Massachusetts 01748 |  |

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|   |   |
|---|---|
| Signature of Inventor <b>201</b><br><br>Date: 12/24/2001 | Signature of Inventor <b>202</b><br><br>Date: |
|---|---|

|  |                                    |
|--|------------------------------------|
| Signature of Inventor <b>203</b><br><br>Date: | Signature of Inventor<br><br>Date: |
|--|------------------------------------|

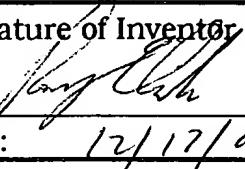
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|                                  |   |
|----------------------------------|---|
| Signature of Inventor <b>201</b> | Signature of Inventor <b>202</b>  |
| Date:                            | <br>1/28/02 |

|                                  |                       |
|----------------------------------|-----------------------|
| Signature of Inventor <b>203</b> | Signature of Inventor |
| Date:                            | Date:                 |

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|                           |                           |
|---------------------------|---------------------------|
| Signature of Inventor 201 | Signature of Inventor 202 |
| Date:                     | Date:                     |

|  |                       |
|--|-----------------------|
| Signature of Inventor 203<br> | Signature of Inventor |
| Date: 12/17/01   | Date:                 |

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# RECORDATION FORM COVER SHEET PATENTS ONLY

To the Honorable Commissioners of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Peter John McCANN  
Brian James MARTIN  
Roy CLARK

2. Name and address of receiving party(ies):

Name: EMC Corporation

Internal Address:

Street Address: 35 Park Wood Drive

City: Hopkinton State: MA Zip: 01748

Additional name(s) of conveying party(ies) attached? [ ] Yes  No

Additional name(s) & address(es) attached? [ ] yes  no

Please see attached.

3. Nature of Conveyance:

Assignment       Merger  
 Security Agreement       Change of Name  
 Other:

Execution Date: December 17, 2001, January 2, 2002,  
and January 28, 2002

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 09/965,393

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: William J. Daley, Jr. (Reg. No: 35,487)

Street Address: Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group of  
Edwards & Angell, LLP  
P. O. Box 9169

City: Boston State: MA Zip: 02209

6. Total number of applications and patents involved: [ 1 ]

7. Total fee (37 CFR 3.41): .....\$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 04-1105

(Attach duplicate copy of this page if paying by deposit account)

**DO NOT USE THIS SPACE**

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

William J. Daley, Jr.

Name of Person Signing

January 29, 2002

Date

Total number of pages including cover sheet, attachments, and documents [ 3 ]

ASSIGNMENT

WHEREAS, We, Peter John McCann, residing at 590 Valley Road, Mason, New Hampshire 03048, inventor, and a citizen of the United States; Brian James Martin, residing at 21701 NE 73<sup>rd</sup> Place, Redmond, Washington 98053, inventor, and a citizen of Canada; and Roy Clark, residing at 46 Wedgewood Drive, Hopkinton, Massachusetts 01748, inventor and citizen of the United States (hereinafter referred to as "Assignors"), have invented certain new and useful improvements in "APPARATUS, METHOD AND SYSTEM FOR WRITING DATA TO NETWORK ACCESSIBLE FILE SYSTEM WHILE MINIMIZING RISK OF CACHE DATA LOSS/DATE CORRUPTION", for which an application for United States Letters Patent with the same title is filed herewith, and

WHEREAS, EMC Corporation, located at 35 Park Wood Drive, Hopkinton, Massachusetts 01748, (hereinafter referred to as the "Assignee"), is desirous of acquiring the entire right, title and interest in and to the same invention, and in and to the said application, and any Letters Patent that may issue thereon;

NOW, THEREFORE, TO ALL WHOME IT MAY CONCERN, be it known that for and in consideration of One Dollar (\$1.00), and other valuable and legally sufficient consideration, the receipt of which is hereby acknowledged, the Assignors have sold, assigned, and transferred, and do hereby sell, assign and transfer to the Assignee, its successors and assigns, their entire right, title and interest for the United States in and to the said invention and in and to the said application and all patents which may be granted therefor, and all divisions, reissues, substitutions, continuations, in whole or in part, re-examinations, and extensions thereof, and all applications claiming priority therefrom; and the Assignors hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as their interest is concerned, to the Assignee; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for which any and all of said Letters Patent for said invention may issue, to the same extent as the Assignors would hold and enjoy if this Assignment had not been made.

The Assignors also have sold, assigned, and transferred, and do hereby sell, assign and transfer to the Assignee, its successors and assigns, their entire right, title and interest in and to the invention disclosed in said application, in all countries of the world foreign to the United States, including the right to file applications and obtain patents for said invention in its own name in said countries and including all rights of priority in said countries under the terms of any applicable international convention; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for which any and all of said Letters Patent for said invention may issue, to the same extent as the Assignors would hold and enjoy if this Assignment had not been made.

The Assignors further agree to execute any and all patent applications, assignments, affidavits, and any other papers in connection therewith necessary to perfect such patent rights, and also agree, at the request of the Assignee, to testify in any legal proceedings, sign all lawful papers, make all lawful oaths, and generally do everything possible to aid said Assignee, its successors and assigns, to obtain, maintain and enforce patent protection for said invention in all countries.

The Assignors also hereby grant the law firm of Dike, Bronstein, Roberts & Cushman, Intellectual Property Group of EDWARDS & ANGELL, LLP the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this documents.

IN WITNESS WHEREOF, the Assignors have caused this Assignment to be executed.

Dated this 2nd day of JANUARY, 2002.

Peter John McCann  
Peter John McCann

CERTIFICATE

Massachusetts  
State of New Hampshire )  
County of Worcester )

Personally appeared before me the above-named Peter John McCann, who signed the foregoing Assignment in my presence on the date thereof and acknowledged the same to be their voluntary, and to be his free act and deed.

T. J. Dancause

Name:  
NOTARY PUBLIC  
My Commissioner Expires:

TERRI JEAN DANCAUSE  
Notary Public  
My Commission Expires  
October 6, 2006

IN WITNESS WHEREOF, the Assignors have caused this Assignment to be executed.

Dated this 28<sup>th</sup> day of January, 2001. 2002 <sup>2001</sup>  
<sup>2002</sup>

  
\_\_\_\_\_  
Brian James Martin

**CERTIFICATE**

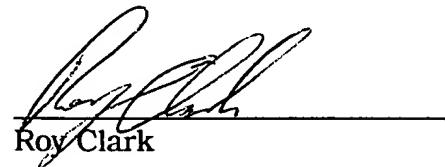
State of Washington )  
County of King )

Personally appeared before me the above-named Brian James Martin, who signed the foregoing Assignment in my presence on the date thereof and acknowledged the same to be their voluntary, and to be his free act and deed.

  
\_\_\_\_\_  
Name: \_\_\_\_\_  
NOTARY PUBLIC  
My Commissioner Expires:  
September 4, 2005

IN WITNESS WHEREOF, the Assignors have caused this Assignment to be executed.

Dated this 17<sup>th</sup> day of December, 2001.

  
Roy Clark

**CERTIFICATE**

State of Massachusetts )  
County of Wellesley )

Personally appeared before me the above-named Roy Clark, who signed the foregoing Assignment in my presence on the date thereof and acknowledged the same to be their voluntary, and to be his free act and deed.

  
Name: Nancy J. Forrister  
NOTARY PUBLIC  
My Commissioner Expires:

NANCY J. FORRISTER  
Notary Public  
My Commission Expires  
March 7, 2008